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MINISTRY OF HOME AFFAIRS NOTIFICATION

New Delhi, the 2nd January 1957

S.R.O. 76.—In exercise of the powers conferred by Section 20 and Section 56 of the Territorial Councils Act, 1956 (103 of 1956), the Central Government hereby makes the following rules, namely:—

PART I—PRELIMINARY

1. **Short title and commencement.**—(1) These rules may be called the Territorial Councils (Election of Members) Rules, 1957.

(2) They shall come into force at once.

2. **Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) 'act' means the Territorial Councils Act, 1956;

(b) 'chief electoral officer' means the officer appointed under section 13A of the Representation of the People Act, 1950;

(c) 'corrupt practice' means any of the practices specified by these rules as a corrupt practice;

(d) 'election' means an election to fill a seat or seats in any Territorial Council;

(e) 'elector' in relation to a constituency means a person whose name is entered in the electoral roll for that constituency and who is not subject to any disqualification for voting; and

(f) 'form' means a form in the Schedule to these rules.

(2) For the purposes of these rules, a person who is unable to write his name shall, unless otherwise expressly provided in these rules, be deemed to have signed an instrument or other paper if he has placed a mark on such instrument or other paper in the presence of the returning officer or presiding officer or such other officer as may be specified in this behalf by the chief electoral officer and such officer on being satisfied as to his identity has attested the mark as being the mark of that person.

PART II—SUPERINTENDENCE OF ELECTIONS AND ADMINISTRATIVE MACHINERY

3. **Superintendence and control of elections.**—Subject to the superintendence, direction and control of the Election Commission, the chief electoral officer shall supervise—

- (a) the preparation of electoral rolls for the constituencies; and
- (b) the conduct of elections to the Territorial Council.

4. Preparation of electoral rolls.—The electoral registration officer of each parliamentary constituency shall split up one copy of the electoral roll thereof, into several parts for the purpose of constituting them into the electoral rolls for the Territorial Council constituencies comprised within that parliamentary constituency.

5. Returning officers.—For every constituency the Administrator shall designate or nominate a returning officer who shall be an officer of Government:

Provided that nothing in this rule shall prevent the Administrator from designating or nominating the same person to be the returning officer for more than one constituency.

6. Assistant returning officers.—(1) The Administrator may appoint one or more persons to assist any returning officer in the performance of his functions.

(2) Every assistant returning officer shall, subject to the control of the returning officer, be competent to perform all or any of the functions of the returning officer:

Provided that no assistant returning officer shall perform any of the functions of the returning officer which relate to the scrutiny of nominations unless the returning officer is unavoidably prevented from performing the said functions.

7. Duties of the returning officers.—It shall be general duty of the returning officer at any election to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules or orders made thereunder.

8. Polling stations for constituencies.—The returning officer shall, with the previous approval of the Administrator, provide a sufficient number of polling stations for each constituency and shall publish in such manner as the chief electoral officer may direct, a list showing the polling stations so provided and the polling areas for which they have respectively been provided:

Provided that where elections to the House of the People and elections to the Territorial Council are held simultaneously, the polling stations provided for a parliamentary constituency shall be the polling stations for the Territorial Council constituencies comprised within that Parliamentary constituency.

9. Presiding officers for polling stations.—(1) The returning officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that where the elections to the House of the People and elections to the Territorial Council are held simultaneously, the presiding officer of the polling station for a parliamentary constituency shall be the presiding officer of the polling station for a Territorial Council constituency comprised within that Parliamentary constituency:

Provided further that if a polling officer is absent from the polling station the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the returning officer accordingly.

(2) If the presiding officer is, owing to illness or other unavoidable cause, obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the returning officer to perform such functions during any such absence.

10. General duty of the presiding officer.—It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

11. Duties of a polling officer.—It shall be the duty of the polling officers at a polling station to assist the presiding officer for such station in the performance of his functions.

PART III—CONDUCT OF ELECTIONS

CHAPTER I—GENERAL PROVISIONS

12. Appointment of dates for nomination of candidates etc.—As soon as the notification for the election is issued by the Administrator under section 10 of the Act, he shall, by notification published in such manner as he thinks fit, appoint—

- (a) the last date for making nominations, which shall be the tenth day after the date of publication of the first mentioned notification or, if that

day is a public holiday, the next succeeding day which is not a public holiday;

- (b) the date for the scrutiny of nominations, which shall be the third day after the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (c) the last date for the withdrawal of candidatures which shall be the third day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall, be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures; and
- (e) the date before which the election shall be completed.

13. Public notice of Election.—On the issue of a notification under rule 12, the returning officer shall give public notice of the intended election in such form and manner as may be specified by the chief electoral officer inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered.

14. Presentation of nomination paper and requirements for a valid nomination.

—(1) On or before the date appointed under clause (a) of rule 12 each candidate shall, either in person or by his proposer, between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon deliver to the returning officer at the place specified in this behalf in the notice issued under rule 13 a nomination paper completed in Form I and signed by the candidate and by an elector of the constituency as proposer.

(2) In a constituency in Himachal Pradesh where any seat is reserved for the scheduled castes a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste of which he is a member.

(3) Where the candidate is a person who, having held any office referred to in clause (f) of section 7 of the Representation of the People Act 1951, has been dismissed and a period of five years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued by the Election Commission to the effect that he has not been dismissed for corruption or disloyalty to the State.

(4) A nomination paper which is not received before 3 o'clock in the afternoon on the last day appointed under clause (a) of rule 12 shall be rejected.

(5) On the presentation of a nomination paper the returning officer shall—

- (a) permit any clerical error in the nomination paper in regard to the name and other particulars of the candidate to be corrected in order to bring them in conformity with the corresponding entries in the electoral rolls; and
- (b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(6) Where a Candidate is an elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof, or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the returning officer at the time of scrutiny.

(7) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for election in the same constituency.

15. Symbols.—A candidate may, at any time before the scrutiny of nominations, inform the returning officer in writing that he has chosen out the list of symbols published by the Election Commission for election to the House of the People, one particular symbol for his first preference and two other symbols for his second and third preferences respectively.

16. Deposit; Return or forfeiture of Deposits.—(1) A candidate shall not be deemed to be duly nominated unless he deposits or causes to be deposited a sum of fifty rupees:

Provided that where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this rule.

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited under that sub-rule unless at the time of delivery of the nomination paper under sub-rule (1) of rule 14 the candidate has either deposited or caused to be deposited that sum with the returning officer in cash or enclosed with the nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in a Government Treasury.

(3) If a candidate by whom or on whose behalf the deposit has been made withdraws his candidature within the time specified in rule 12 or if the nomination of any such candidate is rejected, the deposit shall be returned to the person by whom it was made or if such person is dead, to his legal representative.

(4) If a candidate is not elected, and the number of votes polled by him does not exceed one-sixth of the total number of votes polled, the deposit shall be forfeited to the Central Government.

Explanation.—In this sub-rule, the number of votes polled shall be deemed to be the number of ballot papers counted other than rejected ballot papers.

(5) The deposit shall, where it is not forfeited under sub-rule (4), be returned to the person by whom it was made or if he is dead, to his legal representative, after the publication of the result of the election in the Official Gazette.

17. Notice of nominations and the time and place for their scrutiny.—The returning officer shall on receiving the nomination paper under sub-rule (1) of rule 14, inform the person or persons delivering the same of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which, and the hour at which, the nomination paper has been delivered to him and shall, as soon as may be, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper both of the candidate and his proposer.

18. Scrutiny of nominations.—(1) On the date fixed for the scrutiny of nominations under rule 12 the candidates and two other persons duly authorised in writing by each candidate, but no other person, may attend at such time and place as the returning officer may appoint, and the returning officer shall give them all reasonable facilities for examining the nomination papers of all the candidate which have been delivered within the time and in the manner laid down in rule 14.

(2) The returning officer shall then examine the nomination papers and decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely:—

- (a) that the candidate either is not qualified or is disqualified for being chosen to fill the seat;
- (b) that there has been any failure to comply with any of the provisions of rule 14 or rule 16; or
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or (c) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The returning officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The returning officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 12 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot, open violence or by causes beyond his control:

Provided that in case an objection is made the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny; and the returning officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The returning officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this rule, a certified copy of an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to any disqualification.

19. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by a notice in writing in Form II which shall be subscribed by him and delivered before 3 o'clock in the afternoon on the day fixed under clause (c) of rule 12 to the returning officer either by such candidate in person or by his proposer, or election agent who has been authorised in this behalf in writing by such candidate:

Provided that if that day is observed as a public holiday the notice of withdrawal of candidature shall be considered as having been delivered in due time if it is delivered before 3 o'clock in the afternoon on the next succeeding day which is not a public holiday.

(2) No person who has given a notice of withdrawal of candidature under sub-rule (1) shall be allowed to cancel the notice.

(3) The returning officer shall, on receiving a notice of withdrawal under sub-rule (1), as soon as may be thereafter, cause a notice of, withdrawal to be affixed in some conspicuous place in his office.

20. Publication of list of contesting candidates.—The returning officer shall, immediately after the expiry of the period within which candidature may be withdrawn under rule 19, prepare and publish a list of contesting candidates in such manner as may be specified by the Administrator and assign in that list a different symbol to each candidate in conformity, as far as practicable, with his choice.

21. Election Agents.—A candidate at an election may appoint any one person other than himself to be his election agent in Form III and notice of such appointment shall be given to the returning officer by forwarding the Form to him.

22. Revocation of the appointment, or death of an election agent.—(1) Any revocation of the appointment of an election agent shall be in Form IV, shall be signed by the candidate, and shall operate from the date on which it is lodged with the returning officer.

(2) In the event of such revocation or of the death of the election agent before the completion of the election, the candidate may appoint another election agent and notice thereof shall be given to the returning officer as in the case of appointment of the first agent.

23. Functions of election agents.—An election agent may perform such functions in connection with the elections as are authorised by or under these rules to be performed by an election agent.

24. Appointment of polling agents.—(1) A contesting candidate or his election agent may appoint one agent and two relief agents to act as polling agents of such candidate at each polling station and such appointment shall be made by a letter in writing in duplicate in Form V signed by the candidate or his election agent.

(2) The letter of appointment shall be made over to the polling agent for production at the polling station.

(3) No polling agent shall be admitted into the polling station unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.

25. Appointment of counting agents.—(1) Any contesting candidate or his election agent may, before the commencement of the counting of votes, appoint, subject to such general or special directions as the chief electoral officer may issue in this behalf not more than twelve persons to be the counting agents of the candidate.

(2) Every such appointment shall be made in duplicate in Form VI signed by the candidate or by his election agent and one copy of the appointment shall be forwarded to the returning officer while the other copy shall be made over to the counting agent for production at the counting of votes.

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the returning officer the second copy of the instrument of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein.

26. Revocation of the appointment, or death, of a polling agent or counting agent.—(1) Any revocation of the appointment of a polling agent shall be in Form VII, shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the presiding officer of the polling station where such polling agent was appointed for duty, and in the event of such a revocation or of the death of the polling agent before the close of the poll, the candidate or his election agent may appoint another polling agent by a letter in writing in Form V at any time before the poll is closed and shall forthwith give notice of such appointment to the presiding officer of the polling station where the new polling agent is appointed for duty, by forwarding the letter of appointment of the new polling agent to the presiding officer, and the provisions of sub-rules (2) and (3) of rule 24 shall apply in relation to a polling agent appointed under this sub-rule as they apply in relation to a polling agent appointed under sub-rule (1) of rule 24.

(2) Any revocation of the appointment of a counting agent shall be in form VII, shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the returning officer, and in the event of such a revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint another counting agent by a letter in writing in Form VI and shall forthwith give notice of such appointment to the returning officer by forwarding the letter of appointment of the new counting agent to such officer and the provisions of sub-rule (3) of rule 25 shall apply in relation to a counting agent appointed under this sub-rule as they apply in relation to a counting agent appointed under sub-rule (1) of rule 25.

27. Functions of polling agents and counting agents.—(1) A polling agent may perform such functions in connection with the poll as are authorised by these Rules.

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by these rules.

28. Attendance of a candidate or his election agent at polling stations, and performance by him of the function of a polling agent or counting agent.—

(1) At every election where a poll is taken, each candidate at such election and his election agent shall have the right to be present at any polling station provided for the taking of the poll.

(2) A candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such candidate if appointed, would have been authorised by these rules to do, or may assist any polling agent or the counting agent of such candidate in doing any such act or thing.

29. Non-attendance of polling agents and counting agents.—Where any act or thing is required or authorised by these Rules to be done in the presence of polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

30. Death of candidate before poll.—If a contesting candidate dies and a report of his death is received before the commencement of the poll, the returning officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Administrator and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election.

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll.

Provided further that no person who has given notice of withdrawal of his candidature or a notice of retirement before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

31. Contested and uncontested elections.—(1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of seats to be filled, the returning officer shall forthwith declare such candidates to be duly elected to fill those seats.

(3) If the number of such candidates is less than the number of seats to be filled, the returning officer shall forthwith declare such candidates to be elected and the Administrator shall, by notification in the Official Gazette, call upon the constituency to elect a person or persons to fill the remaining seat or seats:

Provided that where the constituency having already been called upon under this sub-rule, has failed to effect a person or the requisite number of persons to fill the vacancy or vacancies, the Administrator shall not be bound to call again upon the constituency to elect a person or persons until he is satisfied that if called upon again, there will be no such failure on the part of the constituency.

32. Special procedure at elections in constituencies where seats are reserved for Scheduled Castes.—(1) If there is only one contesting candidate who is qualified to be chosen to fill the reserved seat, he shall be forthwith declared to be elected to fill the reserved seat, and the procedure laid down in rule 31 shall be followed for filling the remaining seat.

(2) If the number of contesting candidates qualified to be chosen to fill the reserved seat is more than one, but the total number of contesting candidates is two, the returning officer shall first select by lot, to be drawn by him in such manner as he may determine, the candidate to be declared elected to the reserved seat out of the candidates qualified to be chosen to fill these seats and thereafter declare the remaining candidate to be duly elected to fill the remaining seat.

(3) If the number of contesting candidates qualified to be chosen to fill the reserved seat is more than one, and the total number of contesting candidates also exceeds the total number of seats to be filled, a poll shall be taken; and after the poll has been taken the returning officer shall first declare the person who, being qualified to be chosen to fill the reserved seat, has secured the largest number of votes, to be elected to fill the reserved seat, and then declare that candidate from out of the remaining candidates who has secured the largest number of votes to be duly elected to fill the remaining seat.

(4) If none of the contesting candidates is qualified to be chosen to fill the reserved seat, the procedure laid down in rule 31 shall be followed for filling the seat other than the reserved seat, and the Administrator shall, by notification in the Official Gazette, call upon the constituency to elect a person to fill the reserved seat:

Provided that where a constituency having been already so called upon has failed to elect a person to fill the reserved seat, the Administrator shall not be bound to call again upon the constituency to elect a person to fill the vacancy until he is satisfied that if called upon again, there will be no such failure on the part of the constituency.

33. Retirement from contest.—(1) A contesting candidate may retire from the contest by a notice in Form VIII which shall be delivered to the returning officer between the hours of 11 o'clock in the forenoon and 3 o'clock in the afternoon of any day not later than ten days prior to the date or the first of the dates fixed for the poll under rule 12 either by such candidate in person or by an agent authorised in this behalf in writing by such candidate.

(2) No person who has given a notice of retirement under sub-rule (1) shall be allowed to cancel the notice.

(3) The returning officer shall, upon receiving a notice of retirement under sub-rule (1), cause a copy thereof to be affixed to his notice board and also to be published in the Official Gazette.

(4) Any person who has given a notice of retirement under sub-rule (1) shall thereafter be deemed not to be a contesting candidate for the purposes of rule 30.

(5) Where by reason of any retirement from the contest under this rule, the number of remaining contesting candidates becomes equal to the number of seats to be filled, the returning officer shall, subject to the provisions of rule 32, forthwith declare all such candidates to be duly elected to fill those seats and countermand the poll.

(6) Where by reason of any retirement from the contest at an election to which the provisions of rule 32 apply, the number of remaining contesting candidates qualified to be chosen to fill the reserved seat is one, the returning officer shall forthwith declare that candidate to be duly elected to fill that seat and countermand the poll in so far as it relates to election for filling that seat and the procedure laid down in rule 31 shall be followed for filling the remaining seat, if any.

34. Fixing time for poll.—The Administrator shall fix the hours during which the poll will be taken; and the hours so fixed shall be published in such manner as he may direct:

Provided that the total period allotted on any one day for polling at an election in a constituency shall not be less than eight hours.

35. Adjournment of poll in emergencies.—(1) If at an election the proceedings at any polling station are interrupted or obstructed by riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later and shall forthwith inform the returning officer concerned.

(2) Where a poll is adjourned under sub-rule (1) the returning officer shall immediately report the circumstances to the chief electoral officer and shall, as soon as may be, with the previous approval of the chief electoral officer appoint the day on which the poll shall recommence and fix the polling station at which, and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the returning officer shall notify in such manner as the chief electoral officer may direct the date, place and hours of polling fixed under sub-rule (2).

36. Fresh poll in the case of destruction etc. of ballot boxes.—(1) If at any election any ballot box used at a polling station is unlawfully taken out of the custody of the returning officer or of any presiding officer or is in any way tampered with, or is accidentally or intentionally destroyed, lost or damaged and the returning officer is satisfied that in consequences thereof the result of the poll at that polling station cannot be ascertained, he shall—

- (a) declare the polling at that polling station to be void;
- (b) report the matter forthwith to the chief electoral officer;
- (c) with the approval of the chief electoral officer, appoint a day, and fix the hours for taking a fresh poll at the polling station; and
- (d) notify the day so appointed and hours so fixed in such manner as the chief electoral officer may direct.

(2) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

37. Right to vote.—(1) No person who is not, and except as expressly provided by these rules, every person who is, for the time being, entered in the electoral roll of any constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election in any constituency if he is subject to any of the disqualifications for voting referred to in section 16 of the Representation of the People Act, 1950 (43 of 1950).

(3) No person shall vote at a general election in more than one constituency and if he does so vote, all his votes in that constituency shall be void.

(4) No person shall vote at an election if he is confined in a prison, or is in other lawful custody.

CHAPTER II.—PROCEDURE FOR VOTING

38. Manner of voting at elections.—At every election where a poll is taken votes shall be given by ballot and no votes shall be received by proxy.

39. Admission to polling station.—(1) The Presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all other persons except—

- (a) the polling officers;
- (b) each candidate, his election agent, and one polling agent of each candidate;
- (c) persons authorised by the chief electoral officer;
- (d) public servants on duty;
- (e) a child in arms accompanying an elector;
- (f) a person accompanying a blind or infirm elector who cannot move without help; and
- (g) such other persons as the presiding officer may from time to time admit for the purpose of identifying electors or otherwise assisting him in taking the poll.

(2) The presiding officer shall close the polling station at the hour fixed in that behalf under rule 34 and shall not admit thereto any elector after that hour:

Provided that all electors present within the polling station before it is so closed shall be entitled to have their votes recorded.

(3) If any question arises as to whether any elector shall, for the purpose of the proviso to sub-rule (2), be deemed to be present within the polling station before it is closed, the question shall be referred for the decision of the presiding officer and his decision shall be final.

40. Arrangements of secrecy of voting and special facilities for women electors at polling stations.—(1) Each polling station shall be furnished with a compartment (hereafter in these Rules referred to as a 'polling compartment') in which electors can, one after another, cast their votes screened from observation.

(2) Where a separate polling station has not been provided for women electors in a polling area the presiding officer may direct that men and women electors shall be admitted into the polling station alternately in separate batches.

(3) The returning officer or the presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presiding officer generally in taking the poll in respect of women electors and in particular, to help in searching any women elector in case it becomes so necessary.

(4) For the purpose of identification of a woman elector her husband or any other near relative may be permitted by the presiding officer at his discretion to accompany her inside the polling station, but such person shall not be permitted to accompany her in the polling compartment.

(5) The presiding officer may permit an elector to enter the polling compartment with a child in arms for the purpose of voting.

41. Provision of ballot boxes with symbols of candidates and other Articles at the polling station.—(1) The returning officer shall provide at each polling station one ballot box for each one of the candidates and all such ballot boxes shall be so placed in the polling compartment that when an elector inserts a ballot paper in any box no other person can see how he has voted.

(2) The symbol assigned to a candidate shall be printed on labels which shall be pasted both inside and outside a ballot box and such ballot box shall then be deemed to have been allotted to that candidate.

(3) Outside and inside each polling station there shall be displayed prominently—

- (a) a notice specifying the polling area, the electors of which are entitled to vote at the polling station, and
- (b) another notice giving the name of each contesting candidate in the same language or languages and in the same order in which the names of such candidates appear in the list of contesting candidates.

(4) The returning officer shall also provide at each polling station a sufficient number of ballot papers and copies of electoral rolls in respect of the polling area or areas the electors of which are entitled to vote at such polling station as well as such other equipment and accessories as may be required for taking the poll at such polling station.

42. Mark on ballot papers.—(1) The chief electoral officer may direct that before any ballot paper is delivered to an elector at a polling station it shall be marked with such distinguishing mark as may be specified by the chief electoral officer in this behalf.

(2) When any such direction has been issued by the chief electoral officer, the returning officer shall provide at the polling station concerned instruments for stamping the distinguishing mark on the ballot paper.

43. Ballot boxes to be locked and sealed.—(1) Every ballot box and every ballot paper shall be of such design and colour as have been previously approved by the Administrator and the ballot box shall be so constructed that ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being unlocked or the seals being broken.

(2) The presiding officer of each polling station shall immediately, before the commencement of the poll, allow inspection of each ballot box to be used at the poll, the candidates and their polling agents who may be present at such station and demonstrate to them and all other persons present that it is empty and that labels have been affixed both inside and outside the box and the distinguishing mark or marks have been made in the box.

(3) The presiding officer shall thereafter affix to each ballot box a paper seal provided for the purpose. He shall also affix on such paper seal his own signature or seal and obtain thereon the signatures or seals of such candidates or of such polling agents of the candidates as may be present and may desire to affix such signatures or seals; he shall thereafter secure and seal each box in their presence in such manner that the slit in the box for insertion of ballot papers therein remains open.

(4) The paper seal used in a ballot box shall be affixed in such manner that it shall not be possible to open the box again without breaking such paper seal.

(5) After all the ballot boxes required to be used at the polling have been labelled, secured and sealed, they shall be placed in the polling compartment side by side in the same order in which the names of the candidates to whom such boxes have been allotted appear in the list of contesting candidates at the election and in such manner that the front vertical side of each of the boxes bears a symbol assigned to the candidate to whom such box has been allotted and faces the elector.

(6) The candidates and their polling agents shall be entitled to see before the commencement of the poll that the boxes are placed in the polling compartment in the order and manner specified in sub-rule (5), and that no other receptacle or box besides the ballot boxes allotted to the candidates are kept inside the polling compartment during polling.

44. Identification of electors.—(1) The presiding officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As the elector enters the polling station the presiding officer or the polling officer authorised by him in this behalf shall ascertain the elector's name and address and such other particulars as appear on the electoral roll and after having checked these by reference to the roll shall call out the serial number, name and description of the elector according to the entry in the roll.

(3) Any candidate or his agent may challenge the identity of a person claiming to be a particular elector and when such challenge is made the procedure laid down in rule 52 shall be followed.

45. Special procedure for preventing personation of electors.—(1) Every elector about whose identity the presiding officer or the polling officer, as the case may be, is satisfied, shall allow—

- (a) his left fore-finger to be inspected by the presiding officer or any polling officer, and
- (b) an indelible ink mark to be put on his left fore-finger.

(2) If any such elector—

- (a) refuses to allow such inspection of his left fore-finger, or
- (b) refuses to allow an indelible ink mark to be put on his left fore-finger or persists in doing any act with a view to remove such mark after it has been put,

he shall not be entitled to be supplied with any ballot paper or cast his vote at the election.

(3) Except as provided in sub-rule (4), no person who has already such a mark on his left fore-finger at the time he enters the polling station shall be supplied with any ballot paper, and if any such person applies for a ballot paper he shall be liable to be arrested and prosecuted for personation.

(4) Where elections in any Territorial Council constituency and in a Parliamentary constituency are being held simultaneously an elector whose left fore-finger has been marked with indelible ink at a polling station as a preliminary to his receiving the ballot paper for one such election shall not be required to have his left fore-finger marked again with such ink before receiving the ballot paper for the other election and the presence of the mark made for the purpose of one of such elections shall, notwithstanding anything to the contrary contained in any other rule, not disentitle him from receiving the ballot paper for the other election.

(5) Any reference in this rule to the left fore-finger of an elector shall, where the elector has no left fore-finger, be construed as a reference to any other finger of his left hand, and shall, where the elector has no finger at all on either of his hands, be construed as a reference to such extremity of his left or right arm as he possesses.

46. Issue of ballot papers.—(1) In deciding the right of a person to obtain a ballot paper, the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, provided that he is satisfied that such person is identical with the elector to whom such entry relates.

(2) Before delivering the ballot paper to the elector, the polling officer shall, where a direction has been issued in this behalf under rule 42, stamp the ballot paper with such distinguishing mark as may have been specified under that rule.

(3) The polling officer shall at the time of delivery of the ballot paper place against the serial number of the elector in the electoral roll a mark to denote that the elector has received a ballot paper and shall also keep a record of the serial number of the ballot paper supplied to the elector in such manner as the chief electoral officer may direct.

47. Manner of voting after the receipt of ballot papers.—(1) On receiving the ballot paper the elector shall forthwith proceed into the polling compartment and shall, without undue delay, put his ballot paper through the slit provided for the purpose into the ballot box or boxes of the candidate or candidates for whom he desires to vote:

Provided that not more than one ballot paper shall be inserted by an elector into any one ballot box.

(2) Every elector shall vote without undue delay and shall quit the polling station as soon as he has cast his vote; and no elector shall remain in a polling compartment longer than is necessary for casting his vote.

(3) No elector shall be allowed to enter a polling compartment when another elector is inside it.

(4) The presiding officer may, whenever he considers it necessary to do so, enter the polling compartment during poll and may take such steps as may be necessary to ensure that the ballot boxes therein are not tampered or interfered with in any way.

(5) If the presiding officer has reason to suspect that an elector who has entered the polling compartment is tampering or otherwise interfering with any ballot box or has remained inside the polling compartment unduly long, he shall enter the polling compartment and take such steps as may be necessary to ensure the smooth and proper progress of the poll.

(6) Whenever the presiding officer enters the polling compartment under this rule, he shall be accompanied by such of the candidates or their agents as desire to do so.

48. Ballot papers found outside ballot boxes.—If any ballot paper which has been issued to an elector has not been inserted by him into any ballot box but is found anywhere in or near the polling station, it shall be cancelled and dealt with in a manner laid down in rule 53.

49. Recording of votes by infirm electors.—If owing to blindness or other infirmity an elector is unable to read the symbol of a ballot box or is physically incapable of inserting the ballot paper into a ballot box, the presiding officer shall enter the polling compartment with such elector, ascertain from him the name or names of the candidate or candidates in whose favour he desires to cast the vote and insert the ballot paper or papers in the ballot box or boxes of such candidate or candidates in accordance with the wishes of the elector and the presiding officer shall have this done with as much secrecy as is feasible and shall keep a brief record of such instance without indicating the manner in which the vote has been cast.

50. Elector to be questioned in case of doubt as to his identity.—If the presiding officer has reason to doubt the identity of an elector or his right to vote at an election, he may, in order to be satisfied about the identity of the elector, put such questions as he thinks fit and the elector shall not be supplied with a ballot paper if he refuses to answer any such questions.

51. Tendered votes.—(1) If a person representing himself to be a particular elector named in the electoral roll applies for a ballot paper or papers after another person has already voted as such elector, the applicant shall, after answering such questions as the presiding officer may ask, be supplied with a ballot paper (referred to in these Rules as a 'tendered ballot paper') in Form IX.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in a list in Form X.

(3) Such person shall thereafter record on the ballot paper the name or names of the candidate or candidates for whom he wishes to vote; but if owing to illiteracy or any other reason he is unable to make such record, the presiding officer shall do so in accordance with his wishes.

(4) The procedure laid down in sub-rule (3) shall be followed with due regard to secrecy.

(5) Every such tendered ballot paper shall forthwith be placed in a separate cover which shall be sealed and all such covers containing tendered ballot papers shall be kept in a separate packet, but such votes shall not be counted by the returning officer.

52. Challenged votes.—(1) If any candidate or his agent challenges the identity of a person claiming to be a particular elector, he shall deposit a sum of two rupees in cash with the presiding officer for each such challenges.

(2) On such deposit being made the presiding officer shall—

(a) warn the person so challenged of the penalty for personation;

(b) enter his name and address in the list of challenged votes in Form XI; and

(c) require him to affix his signature in the said list.

(3) The presiding officer shall thereafter hold a summary inquiry into the challenge and may for that purpose require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity.

(4) After such inquiry if the presiding officer is of the opinion that the challenge has not been established he shall allow the person challenged to vote and if he is further of the opinion that the challenge is frivolous or has not been made in good faith, he shall direct that the deposit made under sub-rule (1) be forfeited to Government.

(5) After such inquiry if the presiding officer is of the opinion that the challenge has been established he shall not allow the person challenged to vote and shall return the deposit made under sub-rule (1) to the challenger after the close of the poll on the day on which it was made.

53. Return of ballot papers by an elector.—(1) If an elector after obtaining any ballot paper for the purpose of casting his vote decides not to use the same, he shall return the ballot paper to the presiding officer, and the ballot paper so returned shall then be marked as "cancelled" and kept in a separate envelope set apart for the purpose and a record shall be kept by the presiding officer of all such ballot papers.

(2) If any ballot paper which has been issued to any elector for the purpose of recording his vote has not been put into the ballot box but has been left by the elector at the polling station it shall be dealt with in accordance with the provisions of sub-rule (1) as if it had been returned to the presiding officer.

54. Delivery of ballot boxes to the returning officer after the close of the poll.—The presiding officer of each polling station shall, as soon as practicable after the close of the poll, in the presence of any candidates or their election or polling agents who may be present, close the slit for insertion of ballot papers of each ballot box, or, where the box does not contain any mechanical device for closing the slit, seal up the slit, and seal and secure all the ballot boxes used at the polling station; he shall also make up into separate packets:

- (a) the unused ballot papers;
- (b) the covers containing the tendered ballot papers;
- (c) the cancelled ballot papers;
- (d) the marked copy of the electoral roll;
- (e) the list of tendered votes;
- (f) the list of challenged votes; and
- (g) any other paper directed by the returning officer to be kept in a sealed packet,

and shall seal each packet with his own seal and the seals of such candidates or their election or polling agents as may desire to affix their seals thereon. He shall then, as soon as may be, deliver the ballot boxes and all such packets and all other papers used at the poll or cause them to be delivered to the returning officer at such place as the returning officer may direct subject to any general or special instructions issued in that behalf by the chief electoral officer.

55. Transport of ballot boxes and packets and their custody.—The returning officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers referred to in rule 54 and for their safe custody until the commencement of the counting of votes.

CHAPTER III—COUNTING OF VOTES AND CUSTODY OF ELECTION RECORD

56. Counting of votes.—(1) At every election where a poll is taken votes shall be counted by or under the supervision and direction of the returning officer and each candidate, his election agent and his counting agents shall have a right to be present at the time of counting.

(2) The returning officer shall appoint a date or dates (which shall be as soon as practicable after the completion of the poll throughout the constituencies) for the counting of votes and shall fix the place and time at which the votes shall be counted on the date or each of the dates so appointed.

(3) The returning officer shall give notice of each such date, time and place in writing to all candidates.

57. Procedure to be followed at the counting of votes.—(1) On the date and at the time and place appointed under rule 56 the returning officer shall, before he commences to count the votes, read the provisions of rule 83 to such persons as may be present. He shall then with respect to ballot boxes used at the poll proceed as follows:—

- (i) All the ballot boxes placed for the counting of votes shall be counted and checked and the returning officer shall satisfy himself that all such ballot boxes as contain the ballot papers which are to be counted at such place have been received and accounted for.

- (ii) The returning officer shall then allow the candidates and their counting agents present at the counting an opportunity to inspect the ballot boxes and their seals for satisfying themselves that they are in order.
- (iii) The returning officer shall also satisfy himself that none of the boxes has in fact been tampered with. If any ballot box is found by the returning officer to have been tampered with or destroyed or lost the returning officer shall postpone the counting of votes and shall follow the procedure laid down in rule 36 and shall, after the fresh poll under that rule has been completed, recommence the counting on the date and at the time and place appointed by him in this behalf of which notice has been previously given to the candidates and their counting agents.
- (iv) If the returning officer is satisfied that all such ballot boxes as contain the ballot papers which are to be counted at such place have been received and are in order, he shall take up the counting of ballot papers contained in the ballot boxes. All the ballot boxes used at a polling station shall be opened and the counting of the ballot papers found in those boxes preceded with at the same time as far as practicable.
- (v) As each ballot box is opened for counting the mark or marks made on the box or in any of its component parts or attachments and the label containing the symbol affixed inside the box shall be checked. Thereafter the ballot papers shall be taken out from the box and arranged in convenient bundles and counted with the aid of persons appointed to assist in the counting of votes. An account of the ballot papers found in each box allotted to each candidate shall be recorded in a suitable statement.
- (vi) The returning officer shall allow the candidates and their counting agents who may be present reasonable opportunity to inspect all ballot papers, which in the opinion of the returning officer are liable to be rejected but shall not allow them to handle those or any other ballot papers. The returning officer shall on every ballot paper which is rejected endorse the letter 'R'. If any candidate or his counting agent questions the correctness of the rejection of any ballot paper, the returning officer shall also record briefly on such ballot paper the ground for its rejection. A brief record shall be kept of the serial numbers of all ballot papers rejected and of such particulars as will identify the ballot box in which each such ballot paper was found.
- (vii) After the counting of all ballot papers contained in each ballot box has been completed by the returning officer and an account of such ballot papers has been recorded in a suitable statement, the returning officer shall cause all such ballot papers to be kept in a separate packet on which shall be indicated such particulars as will identify the ballot box in which ballot papers were found, the name of the candidate to whom such ballot box was allotted, and the name of the polling station and the number of the polling booth, if any, where such ballot box was used.
- (viii) After counting of ballot papers contained in all the ballot boxes has been completed, the returning officer shall cause all the packets containing the ballot papers in support of each candidate to be placed together in a separate container or containers and shall seal up such containers and shall write on each such container the name of the candidate in support of whom the ballot papers contained in such container were cast and the name of constituency and the date of the election to which it refers and permit the candidates or their agents to put their seals on each container if they so like. He shall also cause all ballot papers found in the ballot boxes of each candidate but rejected by him to be kept in a separate sealed packet.

(2) The returning officer shall as far as practicable proceed continuously with the counting of the votes and shall during any intervals when the counting has to be suspended, keep the ballot papers, packets and other documents relating to the election sealed with his own seal and the seals of such candidates or counting agents as may desire to affix their seals and shall cause adequate precautions to be taken for their safe custody.

(3) After the counting of ballot papers contained in all the ballot boxes used at all the polling stations in the constituency the returning officer shall—

- (a) in the case where such votes have been counted at one place, record in a suitable statement the total number of votes polled by each candidate, and
- (b) in the case where such votes have been counted more places than one, prepare a consolidated statement recording in that statement the total number of votes polled by each candidate in the entire constituency.

58. Grounds for rejection of ballot papers.—(1) A ballot paper contained in a ballot box shall be rejected:—

- (a) if it bears any mark or writing by which the elector can be identified, or
- (b) if it is a spurious ballot paper, or
- (c) if it bears a serial number, or is of a design different from the serial numbers or, as the case may be, design, of the ballot papers authorised for use at the particular polling station, or
- (d) if it does not bear the mark prescribed by the chief electoral officer:

Provided that where the chief electoral officer on being satisfied that any such defect as is mentioned in clause (c) or clause (d) has, in respect of any of the ballot papers at a polling station, been caused by any mistake or failure on the part of the presiding officer or polling officer, has directed that the defect should be overlooked, a ballot paper shall not be rejected merely on the ground of such defect;

- (e) if it has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established.

(2) If the returning officer is satisfied that an elector has put into the same ballot box more than one ballot paper in contravention of these rules, he shall reject all but one of such ballot papers.

59. Equality of votes.—If, after the counting of votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the returning officer shall forthwith decide between those candidates by lot and proceed as if the candidate on whom the lot falls had received an additional vote.

60. Declaration of results.—When the counting of votes has been completed the returning officer shall forthwith declare the result of the election:

Provided that upon the application of any candidate or his election or counting agent a total or partial recount shall be made before the returning officer makes the declaration, but the returning officer may reject any such application as may appear to him to be frivolous or unreasonable recording at the same time the grounds for such rejection.

61. Report of the result.—As soon as may be after the result of an election has been declared the returning officer shall report the result to the chief electoral officer and the Administrator and the Administrator shall cause to be published the declarations containing the names of the elected candidates in such manner as he thinks fit.

62. Date of election of candidate.—For purposes of these rules the date of declaration of his result under rule 31 or 32 or 33 or 60 shall be the date of election of the candidate.

63. Return by the returning officer.—The returning officer shall prepare and certify a return in Form XII setting forth—

- (1) the names of the candidates for whom valid votes have been given,
- (2) the number of valid votes given for each candidate,
- (3) the number of votes declared invalid,
- (4) the number of tendered votes, and
- (5) the name of the candidate elected.

He shall also permit any candidate or his election or counting agent to take a copy of an extract from such return.

64. Custody of the return and of the ballot boxes and papers relating to election.—(1) The returning officer shall, after reporting the result of the election under rule 61 forward the return to the chief electoral officer.

(2) All ballot boxes used at the election shall be kept in such custody as the chief electoral officer may direct.

(3) The returning officer shall keep in his own custody the packets of ballot papers and all other papers relating to the election.

65. Production and inspection of election papers.—(1) While in the custody of the returning officer the packets of used ballot papers, whether valid, rejected or tendered, the packets of unused ballot papers, and the packets of the marked copies of the electoral roll, shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of a competent Court.

(2) All other papers relating to the election shall be open to public inspection subject to such conditions and to the payment of such fee, if any, as the Administrator may direct.

(3) Copies of the returns by the returning officers forwarded under rule 64 shall be furnished by the chief electoral officer on payment of a fee of two rupees for each such copy.

66. Disposal of election papers.—Subject to any direction to the contrary given by the chief electoral officer or by a competent Court—

- (a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be placed at the disposal of the chief electoral officer;
- (b) the other packets referred to in rule 65 shall be retained for a period of one year and shall thereafter be destroyed;
- (c) all other papers relating to the election shall be retained for such period as the chief electoral officer may direct.

PART IV—DISPUTES REGARDING ELECTIONS

CHAPTER I—INTERPRETATION

67. Definitions.—In this Part, unless the context otherwise requires,—

- (a) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate;
- (b) 'costs' means all costs, charges and expenses of, or incidental to, a trial of an election petition;
- (c) 'electoral right' means the right of a person to stand or not to stand as, or to withdraw from being, a candidate, or to vote or refrain from voting at an election;
- (d) 'pleader' means any person entitled to appear and plead for another in a civil court and includes an advocate, a vakil and an attorney of a High Court;
- (e) 'returned candidate' means a candidate who has been declared elected by the returning officer.

CHAPTER II—ELECTION PETITIONS

68. Additional contents of petition.—(1) Where the petitioner alleges any corrupt practice, an election petition shall, in addition to complying with the provision of section 13 of the Act, also set forth full particulars of that corrupt practice including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each corrupt practice.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

69. Petition to be dismissed.—If the provisions of section 13 of the Act or rule 78 are not complied with, the Court shall dismiss the petition:

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

70. Procedure before the court.—(1) As soon as the Court receives the petition it shall serve on each respondent a notice in such form as it thinks fit directing the respondent to appear before the Court and answer the claim made in the petition on a day to be specified therein.

(2) Any candidate not already a respondent shall, upon an application made by him to the Court within fourteen days from the date of commencement of the trial and subject to the provision of rule 78 be entitled to be joined as a respondent.

71. Appearance before the court.—Any appearance, application or act before the Court may be made or done by the party in person or by a pleader duly appointed to on his behalf:

Provided that it shall be open to the Court to direct any party to appear in person whenever the Court consider it necessary.

72. Powers of the court.—The Court shall have the powers which are vested in a civil court when trying a suit in respect of the following matters:—

- (a) discovery and inspection;
- (b) enforcing the attendance of witnesses, and requiring the deposit of their expenses;
- (c) compelling the production of documents;
- (d) examining witnesses on oath;
- (e) granting adjournments;
- (f) reception of evidence taken on affidavit; and
- (g) issuing commissions for the examination of witnesses.

73. Documentary evidence.—Notwithstanding anything contained in any other law to the contrary no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

74. Secrecy of voting not to be infringed.—No witness or other person shall be required to state for whom he has voted at an election.

75. Order as to costs.—The Court may, while making an order under section 17 of the Act, also fix thereby the total amount of costs payable and specify the persons to whom the costs shall be paid.

76. Grounds on which an election may be called in question.—The election of a returned candidate may, besides being called in question on any one or more of the grounds specified in section 15 of the Act, also be called in question on the ground:—

(a) that any corrupt practice has been committed by a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent; or

(b) that the result of the election, in so far as it concerns a returned candidate, has been materially affected by any corrupt practice committed in the interests of the returned candidate by a person other than that candidate or his election agent or any other person with the consent of a returned candidate or his election agent:

Provided that if in the opinion of the Court, a returned candidate has been guilty by an agent, other than his election agent, of any corrupt practice but the Court is satisfied:—

- (a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent, of the candidate or his election agent;
- (b) that all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;
- (c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election; and

(d) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents; then, the Court may decide that the election of the returned candidate is not void.

77. Communication of order to the administrator and transmission of the records of the case.—The Court shall, after announcing the order made by it under section 17 of the Act send a copy of the order and the records of the case to the Administrator.

78. Deposit of security.—(1) The petitioner shall enclose with the petition a Government Treasury receipt showing that a deposit of two hundred and fifty rupees has been made by him in a Government Treasury in favour of the Secretary to the Administrator in the appropriate department as security for the costs of the petition.

(2) No person shall be entitled to be joined as a respondent unless he has given such security for costs as the Court may direct.

79. Costs.—Costs, including pleader's fee, shall be in the discretion of the Court and shall be paid out of the security deposit provided for in rule 78.

PART V—CORRUPT PRACTICES AND ELECTORAL OFFENCES

CHAPTER I—CORRUPT PRACTICES

80. Corrupt practices.—The following shall be deemed to be corrupt practices for the purposes of these rules—

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person of any gratification to any person whomsoever with the object, directly or indirectly, of inducing—

(i) a person to stand or not to stand as, or to withdraw from being, a candidate or to retire from contest at an election; or

(ii) an elector to vote or refrain from voting at an election, or as reward to—

(a) a person for having so stood or not stood, or for having withdrawn his candidature, or for having retired from contest; or

(b) an elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term 'gratification, is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent or of any other person with the free exercise of any electoral right:

Provided that—

(i) without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(a) threatens any candidate or any elector or any person in whom a candidate or any elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or

(b) induces or attempts to induce a candidate or an elector to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;

(ii) a declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The systematic appeal by a candidate or his agent or by any other person, to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious symbols, or the use of or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of that candidate's election.

(4) The publication by a candidate or his agent or by any other person of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature, or withdrawal, or retirement from contest, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person, for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station:

Provided that the hiring of a vehicle by an elector or by several electors at their joint costs for the purpose of conveying him or them to and from any such polling station shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or any tramcar or railway carriage by an elector at his own cost for the purpose of going to or coming from any such polling station shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause the expression "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(6) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government and belonging to any of the following classes, namely—

- (a) gazetted officers;
- (b) stipendary judges and magistrates;
- (c) members of the armed forces of the Union;
- (d) members of the police forces;
- (e) excise officers;
- (f) revenue officers including village accountants, such as, patwaris, lekhpals, talatis, karnams and the like, but excluding other village officers; and
- (g) such other class of persons in the service of the Government as may be notified by the Administrator.

Explanation.—(1) In this rule the expression "agent" includes an election agent, a polling agent and any person who is held to have acted as an agent in connection with the consent of the candidate.

(2) For purposes of clause (6), a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an election agent or a polling agent or a counting agent of that candidate.

CHAPTER II—ELECTORAL OFFENCES

81. Public meetings on the election day.—(1) No persons shall convene or hold or attend any public meeting within any polling area on the date or dates on which a poll is taken for an election in that polling area.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

82. Disturbances at election meetings.—(1) Any person who at a public meeting to which this rule applies, acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called, shall be punishable with fine which may extend to one hundred rupees.

(2) This rule applies to any public meeting of a political character held in any constituency between the date of the issue of a notification calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-rule (1), he may, if requested so to do by the chairman of the meeting, require that person to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

83. Maintenance of secrecy of voting.—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

84. Officers, etc. at elections not to act for candidates or to influence voting.—

(1) No person who is in the service of the Government whether or not connected with the conduct or management of the election, shall do any act (other than the giving of vote) for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, shall endeavour—

- (a) to persuade any person to give his vote at an election, or
- (b) to dissuade any person from giving his vote at an election, or
- (c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provision of sub-rule (1) or sub-rule (2) shall be punishable with fine which may extend to one hundred rupees.

85. Canvassing in or near polling stations.—(1) No person shall on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely:—

- (a) canvassing for votes; or
- (b) soliciting the vote of any elector; or
- (c) persuading any elector not to vote for any particular candidate; or
- (d) persuading any elector not to vote at the election; or
- (e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

86. Disorderly conduct in or near polling stations.—(1) No person shall, on the date or dates on which a poll is taken at any polling station,

- (a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or loudspeaker, or
- (b) shout, or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof,

so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this rule, he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-rule (1), and may seize any apparatus used for such contravention.

87. Penalty for misconduct at the polling station.—(1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-rule (1) shall not be exercised so as to prevent any elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with fine which may extend to one hundred rupees.

88. Penalty for illegal hiring or procuring of conveyances at elections.—If any person is guilty of any such corrupt practice as is specified in clause (5) of rule 80 at or in connection with an election, he shall be punishable with fine which may extend to one hundred rupees.

89. Breaches of official duty in connection with elections.—(1) If any person to whom this rule applies is without reasonable cause guilty of any act or omission in breach of his official duty he shall be punishable with fine which may extend to one hundred rupees.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this rule applies are the returning officers, assistant returning officers, presiding officers, polling officers and any other person appointed to perform any duty in connection with the receipt of nominations, or withdrawal of candidature, or the recording or counting of votes at an election; and the expression 'official duty' shall for the purposes of this rule be construed accordingly, but shall not include duties imposed otherwise than under these rules.

90. Removal of ballot papers from polling station.—(1) Any person who at any election fraudulently takes or attempts to take, a ballot paper out of polling station, or wilfully aids or abets the doing of any such act, shall be punishable with fine which may extend to one hundred rupees.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-rule (1), such officer may, before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer:

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

91. Other offences.—(1) A person shall be guilty of an electoral offence if at any election he—

- (a) fraudulently defaces or fraudulently destroys any nomination paper; or
- (b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a returning officer, or
- (c) fraudulently defaces or fraudulently destroys any ballot paper or the distinguishing mark on any ballot papers; or
- (d) without due authority supplies any ballot paper to any person; or receives any ballot paper from any person or is in possession of any ballot paper; or
- (e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or
- (f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purpose of the election;
- (g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this rule shall be punishable with fine which may extend to one hundred rupees.

PART IV—MISCELLANEOUS

92. Casual vacancies in the Territorial Council.—When the seat of a member elected to the Territorial Council becomes vacant or when his election to that Council is declared by the Court to be void but no order is made by the Court declaring any other candidate to have been duly elected to that seat, the Administrator shall, by a notification published in such manner as he thinks fit, call upon the constituency concerned to elect a person for the purpose of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of these rules shall apply, as far may be, in relation to the election of a member to fill such vacancy.

93. Extension of time for completion of Election.—It shall be competent for the Administrator for reasons which he considers sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by him under rule 12.

94. Staff of every local authority to be made for election work.—Every local authority in a Union Territory shall, when so requested by the chief electoral officer, make available to any returning officer such staff as may be necessary for the performance of any duties in connection with an election.

SCHEDULE

FORM I

Nomination Paper

(See rule 14)

Election to the Territorial Council of from the constituency.

(To be filled by the proposer)

I hereby nominate..... as a candidate for election from the Territorial Council constituency.

1. Full name of proposer.....
2. *Electoral roll number of proposer.....
3. Name of candidate's **father/husband.....
4. Full postal address of candidate.....
5. *Electoral roll number of candidate.....

Date.....

Signature of proposer

(To be filled by the candidate)

I, the above-mentioned candidate, assent to this nomination and hereby declare—

- (a) that I have completed..... years of age;
- (b) that the following are the symbols I have chosen in order of preference—
 - (i)
 - (ii)and
 - (iii)

Date

Signature of candidate

*Here insert:—

- (i) the name of the Territorial Council constituency;
- (ii) the serial number of the part of the electoral roll in which the name of the proposer or the candidate, as the case may be, has been entered; and
- (iii) the serial number of the entry in that part.

Illustration.—

Agartala Sadar III Territorial Council constituency;

Part 3;

No. 267.

*Strike off the inappropriate alternative.

(To be filled by the returning officer)

Serial No. of nomination paper

This nomination was delivered to me at my office at.....(hours)
on.....(date) by the **candidate/proposer.

Date.....

Returning Officer.

Decision of returning officer accepting or rejecting the nomination paper.

I have examined this nomination paper in accordance with rule 18 of the Territorial Councils (Election of Members) Rules, 1957 and decide as follows:—

Date.....

Returning Officer.

Receipt for Nomination Paper and Notice of Security.

(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.....

The nomination paper of a candidate for election from the
..... Territorial Council constituency was delivered to me at my
office at.....(hour) on.....(date) by the **candidate/proposer
All nomination papers will be taken up for scrutiny at.....(hour) on
.....(date) at(place).

Date.....

Returning Officer.

FORM II

Notice of Withdrawal

(See rule 19)

Election to the Territorial Council of.....from the.....
constituency.

To

The Returning Officer.

..... Constituency.

I,, a candidate nominated at the
above election do hereby give notice that I withdraw my candidature.

Place.....

Date.....

Signature of candidate.

This notice was delivered to me at my office at.....(hour) on
.....(date) by.....(name) the.....

Date

Returning Officer.

Receipt for Notice of Withdrawal

(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by....., a candidate at the election
to the Territorial Council offrom theconstituency was
delivered to me by the.....my office at.....(hour) on.....
.....(date).

Returning Officer.

**Strike off one of the alternatives as necessary.

†Here insert one of the following alternatives as may be appropriate:—

- (1) Candidate.
- (2) Candidate's proposer who has been authorized in writing by the candidate to deliver it.
- (3) Candidate's election agent who has been authorized in writing by the candidate to deliver it.

FORM III

Appointment of Election Agent

(See rule 21)

Election to the Territorial Council of from the constituency.

To

The Returning Officer,

.....constituency

I, of a candidate at the above election do hereby appoint of as my election agent from this day at the above election.

Place.....

Date.....

Signature of candidate.

I accept the above appointment.

Place.....

Date.....

Signature of election agent.

FORM IV

Revocation of Appointment of Election Agent

(See rule 22)

Election to the Territorial Council of from the constituency.

To

The Returning Officer,

.....constituency.

I, a candidate at the above election, hereby revoke the appointment of my election agent.

Place.....

Date.....

Signature of candidate.

FORM V

Appointment of Polling Agent

(See rule 24)

Election to the Territorial Council of from the constituency.

I, a *candidate/the election agent of who is a candidate at the above election do hereby appoint of as a polling agent to attend polling station No. at

Place.....

Date.....

Signature of *candidate/election agent.

*Strike off the inappropriate alternative.

I agree to act as such polling agent.

Place.....

Date.....

Signature of polling agent.

Declaration of polling agent to be signed before Presiding Officer.

I hereby declare that at the above election I will not do anything forbidden by rule 83† of the Territorial Councils (Election of Members) Rules, 1957, which *I have read/has been read over to me.

Date.....

Signature of polling agent.

Signed before me.

Presiding Officer.

*Strike off the inappropriate alternative.

†Rule 83 of the Territorial Councils (Election of Members) Rules, 1957.

"83. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees."

FORM VI

Appointment of Counting Agent

(See rule 25)

Election to the Territorial Council of..... from the..... constituency.

To

The Returning Officer,

..... Constituency.

I,.....*a candidate/the election agent of.....who is a candidate at the above election, do hereby appoint.....(name).....of.....(address) as one of my counting agents to attend the counting of votes at.....

Signature of *candidate/election agent.

I agree to act as such counting agent.

Place.....

Date.....

Signature of Counting Agent.

Declaration of Counting Agent

(To be signed before the Returning Officer)

I hereby declare that at the above election I will not do anything forbidden by rule 83† of the Territorial Councils (Election of Members) Rules, 1957, which *I have read/has been read over to me.

Signature of Counting Agent.

Date.....

Signed before me.

Date.....

Returning Officer.

*Strike off the inappropriate alternative.

†Rule 83 of the Territorial Councils (Election of Members) Rules, 1957.

"83. *Maintenance of secrecy of voting.*—(1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-rule (1) shall be punishable with fine which may extend to one hundred rupees".

FORM VII

Revocation of Appointment of Counting/Polling Agent

(See rule 26)

Election to the Territorial Council of.....from the.....constituency.

To

*The Returning Officer/Presiding Officer,
.....Constituency.

I,[the election agent of.....] a candidate at the above election, hereby revoke the appointment of.....*my/his* counting/polling agent.

Place.....

Date.....

Signature of person revoking.

*Strike off one of the alternatives as necessary.

N.B.—Omit the words [] as necessary.

FORM VIII

Notice of retirement by a contesting candidate

(See rule 33)

Election to the Territorial Council of.....from the.....Constituency

To

The Returning Officer,
.....Constituency.

I hereby give notice that I retire from the contest at the above election.

Place.....

Date.....

Signature of candidate.

I hereby authorise my agent.....son of.....of..... who has signed below in my presence to deliver this notice to the returning officer on my behalf.

Signature of agent.

(in presence of candidate).

Signature of candidate.

Postal address of agent.....

Date.....

.....

Signature of agent (in presence of Returning Officer).

Date.....

FORM IX

Tendered Ballot Paper

[See rule 51(1)]

Election to the Territorial Council of.....from the.....constituency.

Serial Number of Ballot Paper.....

Polling Station.....

Name of elector.....

Serial number of elector.....in part number..... of the electoral roll.

Address of elector.....

Name(s) of candidate(s) in whose favour votes are tendered.....

1.

2.

Date.....

FORM X

List of Tendered Votes

[See rule 51(2)]

Election to the Territorial Council of.....from the.....constituency

Polling Station

Serial number of tendered ballot paper	Name of elector	Serial number of		Address	Signature thumb impres- sion of person tendering votes
		Part of roll	Elector's name in that part		
1	2	3	4	5	

Date.....

Signature of Presiding Officer,

FORM XI

List of Challenged Votes

(See rule 52)

Election to the Territorial Council of..... from the.....constituency

Polling Station.....

Serial num- ber of entry	Name of elector	Serial number of		Signature or thumb impres- sion of the person challeng- ed	Address of the person challeng- ed	Name of dentifier, if any	Name of challenger	Order of Presid- ing Officer	Signature of chal- lenger on receiving refund of deposit
		Part of roll	Elector's name in that part						
1	2	3	4	5	6	7	8	9	10

Date

Signature of Presiding Officer.

FORM XII

Return of Election .

(See rule 63)

Election to the Territorial Council of.....from the.....Constituency.

Return of Election

S. No.	Name of Candidate	Number of valid votes polled
--------	-------------------	------------------------------

Total number of valid votes polled_____

*Total number of rejected votes_____

Total number of tendered votes_____

I declare that:—

_____(name)

of _____ (address)

has been duly elected to fill the seat reserved for the scheduled castes.]

[end]

[_____ (name) of _____ (address) has been duly elected/elected
to fill the remaining seat.]

Place.....

Date.....

Returning Officer.

Omit the words marked [] as necessary.

[No. F.26/2/57-SR(R).]

R. C. DUTT, Jt. Secy.

